IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6256 of 2007()

CRIME NO.229/07 OF KANNUR TOWN POLICE STATION.

PETITIONER/ACCUSED

SREEJITH DAS,S/O. DAS,
'SREYAS' MOONUNIRATH, AZHIKOOD, KANNUR DISTRICT.

BY ADV. SRI.P.M.HABEEB

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
KANNUR TOWN POLICE STATION.
KANNUR.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6256 OF 2007

Dated this the 23rd day of October, 2007

ORDER

This actually is a second application for anticipatory bail. An earlier application for anticipatory bail was dismissed as not pressed as the petitioner could not make the vital and relevant facts available to this Court at that stage.

2. The petitioner was employed as the Legal Manager of a finance establishment. He has left his service and has joined another finance establishment at the same centre. The allegations are made by his former employer that he has committed the offences punishable under Secs.406, 420 and 468 of the IPC. A crime has been registered. Investigation is in progress,.

3. The learned counsel for the petitioner submits that the allegations raised against the petitioner are totally

unfounded and are only a reflection of the prejudice which the former employer entertains against him. The complaint has been filed only on 15/5/07. The learned counsel for the petitioner points out, and he has made the relevant details available now, that much earlier the petitioner had filed a complaint dated 1/5/07 before the Deputy Superintendent of Police, Kannur, making allegations against his former employer. Getting scent of such complaint filed by the petitioner, a subsequent false allegation has been raised against the petitioner on 15/5/07 and it is on the basis of the such subsequent complaint, that the present crime has been registered. The complaint filed by the petitioner was being investigated/enquired into by the police; but unfortunately, after the petitioner's employer filed the complaint before the superior official of the police and the present crime was registered, the enquiry into the complaint filed by the petitioner registered as a petition is discontinued. The learned counsel for the petitioner submits that the allegations raised are incorrect and false and, in these circumstances, the petitioner may be granted anticipatory bail.

4. The learned Public Prosecutor does not oppose the application; but prays that appropriate and strict conditions may

be imposed to facilitate a fair, proper and efficient investigation.

5. Having considered all the relevant inputs, I am satisfied that directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner.

6. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 30/10/07. He shall be released on regular bail on his executing a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 5 p.m. on 31/10/07 and 1/11/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as

if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 30/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.50,000/- without any sureties undertaking to appear before the learned Magistrate on 30/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge